

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUNG CHUL LEE

Defendant.

NO. CR 06-0174 RSM

**ORDER TO CONTINUE PRE-TRIAL
MOTIONS DEADLINE.**

ORDER OF THE COURT

This matter having come before the court on the Defendant's Motion to Continue the Pre-Trial Motions Deadline from June 22, 2006 to August 17, 2006, and a Motion to Continue the Trial date from July 31st 2006 to September 25, 2006, and the court having considered the arguments made by all parties, together with the balance of the records and files herein, This Court now finds as follows:

[PROPOSED] ORDER OF THE COURT - 1

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1 That this Motion is the first motion to continue the pre-trial motions deadline and trial
2 date filed by any party;

3 That the Government has distributed voluminous discovery to the defense that pertains to
4 the instant case as well as a related case, thereby requiring additional time for effective defense
5 preparation;

6 That extra time is needed for the defendant to review discovery with counsel through the
7 assistance of a foreign language interpreter;

8 That the defendant understands his rights to a Speedy Trial pursuant to 18 U.S.C. Section
9 3161 and has executed a speedy trial waiver through September 30th 2006;

10 That no party, including the United States, opposes a Motion to Continue the pre-trial
11 motions deadline and the trial date. [However the Government is not in agreement with a
12 proposed pre-trial motions deadline of August 17, 2006. Instead, the Government is proposing a
13 deadline of July 17, 2006, due to the Government's unavailability in August of 2006. The
14 defense for Mr. Lee asserts that a July 17, 2006, pre-trial motions deadline will not afford
15 sufficient time to adequately prepare the anticipated pre-trial motions. However, defense counsel
16 has indicated no objection to extending the response deadline for the Government to
17 accommodate the Government's unavailability in August of 2006];
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19 That this period of delay is reasonable; that the defendants are joined for trial; that the
20 time for trial has not run; and that no motion for severance has yet been granted. 18 U.S.C.
21 Section 3161(h)(7);
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23 The Court finds that taking into account the complexity of the case and the exercise of
24 due diligence, that the failure to grant the continuance would deny the defense the reasonable
25 time for effective trial preparation;

[PROPOSED] ORDER OF THE COURT - 2

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1 Accordingly, This Court finds that the ends of justice served by granting the requested
2 continuance outweigh the best interests of the public and defendants in a speedy trial; 18 U.S.C.
3 Section 3161(h)(8)(A) and Section 3161(h)(8)(B)(iv).

4 The new proposed dates of [August 17th, 2006], for the motions cut-off deadline, and
5 [September 25th, 2006], for the trial date, do not appear to prejudice any party, including the
6 Government.

7 Accordingly, IT IS HEREBY ORDERED THAT:

8 The Pre-Trial Motions Cut-Off date shall be extended to August 17th, 2006, with the trial
9 date of September 25th, 2006.

10 It is further ordered that the period of delay resulting from this continuance is excludable
11 pursuant to 18 U.S.C. Section 3161(h)(8)(A) and (B) as to each co-defendant.

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13
14 SO ORDERED ON THIS 5th DAY OF July, 2006

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18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
20

21 Presented by:

22 s/ Jesse Cantor
23 Jesse Cantor
24 Attorney for the Defendant.

25 [PROPOSED] ORDER OF THE COURT - 3

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